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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR JOEL ROOKS,

Defendant and Appellant.

H023801

(Santa Clara County

Super. Ct. No. CC088578)

Victor J. Rooks appeals after he pleaded no contest to (1) selling or transporting cocaine base (Health & Saf. Code, § 11352, subd. (a)); (2) possessing a billy club (Pen. Code, § 12020, subd. (a)(1)); (3) possessing diazepam without a prescription (Bus. & Prof. Code, § 4060); (4) being under the influence of a narcotic (Health & Saf. Code, § 11550, subd. (a)); (5) driving under the influence of alcohol or drugs (Veh. Code, § 23152, subd. (a)); and (6) driving with a blood alcohol level greater than .08. Veh. Code, § 23152, subd. (b).) Rooks also admitted having two prior offenses within the meaning of Penal Code sections 667, subdivisions (b)-(i) and 1170.12. The trial court granted Rooks's Penal Code section 1385 motion and struck one of the two prior offense allegations. Rooks was sentenced to a total term of nine years four months in state prison.

Appointed counsel filed an opening brief which states the case and the facts, but raises no specific issues. We notified defendant of his right to submit within 30 days

written argument in his own behalf. In response, defendant has submitted a letter, which this court has read and considered.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there is no arguable issue on appeal.

The judgment is affirmed.

RUSHING J.

WE CONCUR:

BAMATTRE-MANOUKIAN, ACTING P.J.

MIHARA, J.